The Parliament Decisions in Azerbaijan: The Case of Establishing Legislative Base

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The article examines the activities of the Azerbaijani Democratic Republic's Parliament aimed in the establishing a legislative base of the Armed Forces of Azerbaijan, one of the important steps in the field of army building. The researches show that the legal framework of the armed forces of the independent republic was mainly based on the law of the Russian Empire, but it was at the center of attention of the parliament to reform and adapt the legislation of Azerbaijan to the national-mentality and consciousness of the parties. As a result of the activity of the parliament in this direction, the right of deferral of the military duty, the rules of their involvement in military service, the acquisition of natural military obligations were legally framed. The legal framework for these problems was calculated for significant quality changes in the attitude of the population to military service.

Keywords: Azerbaijani Democratic Republic, Parliament, legislative base, armed forces, military service, Russian empire

Relevant structures for the establishment of an army capable of protecting the territorial integrity of Azerbaijan would inevitably require a solution to many of the problems facing the legal side.

The process of creation of the Azerbaijani armed forces in parallel requires the development of the legal basis of the military service. Establishment of the legislative base of the Armed Forces of Azerbaijan does not legally justify the responsibility of the persons serving in the army, but also the management of the army, bases of service in the army, etc. It also had to identify issues. This problem was particularly relevant to the armed forces that served the military, which had not so far been in the military.

It was decided to temporarily overtake the past imperial laws because the legislative framework was particularly difficult for the Parliament, which had little experience in this case, and that this process was not possible for a short time. By the decree of the Minister of Military Service at the beginning of 1919, military acts of the Russian Empire, which was adopted by January 1, 1917, were in force [ARDA, 33]. The mentioned legislative acts include military regulations, warrants, document regulating service areas, mobilization, statutes on military-judicial work, etc. included. According to the relevant order, service in the Army of Azerbaijan should be established in accordance with the requirements of this law. At the same time, the provisions of the legislative acts, which do not comply with the requirements of the country's independence and national army requirements, were annulled by the relevant orders of the Minister or changed to the local conditions.

Despite the fact that the Russian empire was widely used in the military legislation, the failure of these acts to ignore some of the national characteristics of the Azerbaijani Army required a new national legislative framework. The fact that the introduction of national legislation in the army could

not have been taken into consideration in the national spirit of the soldiers and their psycho-psychological effects.

The parliament began to take a number of steps to establish a military legislative base. The laws adopted in the military legislation were laws that were extremely important and unaccountable.

One of the important laws adopted by the parliament in this area was the law on the abolition of the tax on exemptions from military service. Shafi bay Rustambekov, a parliament speaker on the bill, said: "It was decided by the Russian government that a certain number of taxpayers had been exempted from military service at the time, and this law was practically a very common subject, and this law was abolished in Russia in 1917. However, it was not in time to come, but this tax was still on the Treasury palace, but in 1918, the tax was cut off, and it was worth 20,000 manat for the taxpayer, so it seemed to him to be abolished.), and the draft adopted by the Russian government is obsolete, maybe it is necessary to make a law. Taking the non-expenditure, the Finance Minister may or may not draft the bill in this regard, the law we can't admit in Azerbaijan, I recommend that this decision be abolished and that the bill I propose to adopt "[ARDA, 19].

The law adopted at the October 2, 1919 meeting of the parliament reads in its 3rd reading that a Decree on October 19, 1915, which provides for tax evasion, approved by Section I and exempted from military service, it is considered invalid from [ARDA, 15].

Adoption of the law was of great importance. As Rustambeyov said, the past law and the law imposed on the former empire did not meet today's requirements. On the other hand, the situation was negatively affected by the state of the population released from military service for certain reasons. Defense Minister S.Mehmandarov, in his speech at the parliament, described the categories of persons released from military service: "Only those men will be freed from military service: teachers (as schools are nationalized), railway school teachers, machinists, kasegar, government prisons and tea superperson (contract until the time has elapsed) [Azerbaijan newspaper, 131].

Taking into account the fact that the categories of population covered by the law on tax are important occupational holders and their need for permanent social protection, it is not difficult to determine the importance of the new law.

Establishment of the military courts, determining the responsibility of the army, the responsibility of the military for the conduct of the military, was one of the important issues of the day. Therefore, the draft law on military courts was put to the parliament. Speaking on the project as a rapporteur on the project, Safi bay Rustambayov spoke about the importance of adopting the law: "Since military court is not needed in Azerbaijan or it is impossible to draft such a law in Azerbaijan, the Minister of Defense proposes to use the old Russian laws in the Azerbaijani courts as the provisional government of Russia has changed" [Azerbaijan newspaper, 156].

The law stipulates that the Azerbaijani Military Court is part of the Ministry of Defense and has its own offices throughout the country. Azerbaijani military courts should consist of permanent and temporary members. The permanent members of the military court were appointed to the chairman and two members of the tribunal, and to the temporary members two headquarters and two other officers were assigned to the six-month term [Закон об образовании военного и полковых судов, 1919, p. 1].

It should be noted that the temporary government's involvement with the soldiers and officers in the courts' case was due to changes in the law. However, the military ministry did not consider this change as impracticable [Закон об образовании военного и полковых судов, 1919, p. 2].

Under the military court, the prosecutor, a prosecutor's assistant, two military investigators and two military-judicial officials were supposed to be employed [Закон об образовании военного и полковых судов, 1919, p. 2.].

The Military Ministry maintained its exclusive rights to courts in the draft law drawn up by the Ministry. Thus, the chairman of the court was appointed by the government decree from those who had not served in the military prosecutor's office in the military-judicial offices by the presentation of the minister. The procurator and the permanent members of the military court were appointed by the

Military Minister at the Military Courts of the Military Courts from those who were not subordinated to the military prosecutor, the Deputy Prosecutor, the Assistant Attorney, the Assistant Attorney, the Judge and the Military Investigator [Закон об образовании военного и полковых судов, 1919, p. 2.]. In addition, the appointment of other members of the military court office by the Minister of Defense provided virtually complete control of the Minister of Defense.

One of the advantages of the law was the abolition of the right to file a criminal offense against servicemen of the military, as well as the investigation of the officers by the investigation of the civilian courts. The law, in one word, envisaged the military judiciary to consider all matters relating to the army.

One of the most controversial provisions of the law in the Parliament was to issue a warrant to the military court to make a decree on improving the fate of the defendant or completely amnestying him and sending him to the Council of Ministers when the circumstances of the case were mitigated. The Council of Ministers had the power to relieve or punish the defendant [Закон об образовании военного и полковых судов, 1919, p. 2.]. Having protested this provision of the law, Khojayev proposed to consider the issue of the Commission of Ministers and the Commission of Experts organized under the Ministry of Defense [Azerbaijan newspaper, 156, p. 1.].

This process was explicitly explained in the article defining the right of the military court to issue a cassation complaint. In the law, in the absence of the Military Court in the Republic of Azerbaijan, a cassation complaint was annulled from the decisions of the military court. However, the procurator, the defendant, or his defense lawyer could apply to the Ministry of Defense with a complaint filed by the court for the violation of the court and material law [5]. This article was considered valid until the establishment of the cassation court in the country. After the adoption of the law on the cassation sentencing by the parliament, these issues were envisaged to be considered by the Court of Cassation on a common ground. A member of the draft law commission, Vansevic, pointed out that a draft law on cassation court is currently being drafted, and the bill will soon be submitted to the Parliament and will last for one month. Therefore there is no need to establish a special commission to consider cassation complaints under the Council of Ministers and Military Supervision [Azerbaijan newspaper, 156, p. 1.].

In spite of some of the shortcomings of the law, it should be considered one of the important steps taken by the Parliament to create a legislative base for the Azerbaijani armed forces. The main point of the document was that it was the basis of the military law that allowed the military offenders to be accountable under military law and to determine their responsibility before the military regimes.

The emergence of the Azerbaijani Armed Forces and the process of forming the army in the conditions of military conflict revealed the need to adopt a law on military courts.

Because the different categories of the population differed on the military service, there was a need to legalize these problems so that military service would not have a negative impact on the various occupational persons. It has become a necessity for the owners of arts and professions of state significance to give up their military service.

It is known that during the existence of the Democratic Republic of Azerbaijan, the citizens of the country, Muslims only in the religion of Islam, were military servants. It was codified by the July 11, 1918 Decree of the Council of Ministers calling for military service [Sobraniye: 1919, p. 54]. The call for military service in the country was based on the Charter of the Russian Empire in 1915 on military obligations. As it was mentioned above, the issue of granting deferral to the various categories of the population was crucial, since it was necessary to amend the existing law.

At the parliament meeting on April 17, 1919, a law envisaging additions to the statute of limitations on military service was adopted. The law foresees the amendment of the Charter of 1915 on Mandatory and Discretionary Articles, as well as articles on obtaining a rank and occupation.

According to paragraph 1 of the law, which provides for the right to grant education and privileges, the use of the right of deprivation has been used by convicts who have been trained in railways, railways, railways, railroad tracks and telegraph agency agents. After completing and testing

the courses, those persons were involved in the service of railroads for a fixed period of actual military service [ARDA, 25]. On the other hand, the law, in this way, provided the opportunity for the government to provide the necessary occupants, and on the other hand, it sought to involve the military in military service to meet the needs of the army.

The law, which stipulates the privilege for rank and occupation, was pointed out that the machinists and their assistants working on the railways of the Republic of Azerbaijan were put on the list of railroads, keeping their previous posts on the railroad, in connection with their acceptance into the actual military service [ARDA, 25].

These additional qualifications for the law were determined by the end of their military service, which remained in their previous positions.

According to Article 3 of the law, the workers of state offices, publishers were released from active military service in a peaceful period and were included in the reserve for the duration of the actual military service. Employees working in special printing presses were not included in this category. Also, chiefs of postal and telegraph offices of the republic, telegraph service specialists (telegraphers) and mechanics, radio technicians and controllers of postal and telegraph offices, as well as all technical staff of telegraph staff, are exempted from active military service during the peaceful period, were included [ARDA, 25].

The other members of the population, who were granted legally deferred right from military service, were masters. According to Article 5 of the above-mentioned law, the service fleet of the merchant shipping vessels was postponed until the termination of their contracts in a peaceful time, but the contract duration should not exceed one year. After the expiration of the specified period, the identification of identified persons to the army was mandatory and these agreements could not serve as a basis for granting a right of deferral to actual military service [ARDA, 25]. In addition, persons deprived of parental rights, captains or ship owners to carry out their duties in the same jurisdiction should have the right to have the right of deferment and release from the actual military service [ARDA, 25].

The legal framework for the granting of a deferral of a certain group of population was aimed at preventing the deportation of persons of actual age of military service from military service.

Determination of the duration of military service was one of the most important problems facing the government and the parliament. According to the military law of the Russian Empire, the duration of the actual military service was 3 years and 3 months. Therefore, a bill was drafted to reduce the duration of the actual military service to 2 years, taking into account the majority of this period. Reduction of military service was primarily justified by the fact that if the military expedition runs for 2 years, these young people will increase their interest in military service, and at the same time a considerable number of soldiers will arrive at the same age [ARDA, 1]. On the other hand, taking into account economic factors, it was shown that the actual military service had a lot of time, so those who left their profession and art were making it a malicious factor for the country's economy. Given all these considerations, the Ministry of Defense proposed to amend the existing law.

MP Haji Karim Saniyev, who supports the reduction of military service, argues that the state needs the army to protect its existence: "But the work was so small that you know in Azerbaijan and those who were taken into the army, in particular, They are laborers, bakers, and animal-lovers, and according to news reports, the desert has not been harvested and the grain has not been harvested, and if the farmers give them 200 pounds of bread, there is no harvest, so that the grain is not harvested at such a time. We have to save ourselves from military service, because we need bread as well, and we can’t keep the soldier, mainly for the shortening of military service. "[ARDA, 2]. The deputy suggested that the wealthy be deprived of military service, and that this heavy job would be overwhelmed by a decade of military service: "You know that those who live in Azerbaijan are naturally warriors, and the military science is a schoolchild for them, for a long time. They are really soldiers, and keeping them and keeping them for more than a year is harmful to us. "We stand for a year of military service [ARDA, 2].

Mukhtar Afandizadeh, who was a supporter of the military service, said: "Because the fewer the number of soldiers will be, the less the number of the soldiers will be, and the less frequent learners will find out. the second reason is that during the five years of war, people have been dwindling, and in recent years there has been a lot of deaths in Azerbaijan.If those who die from the blasphemy (teenagers) are few, the deaths of young people are infinite, We also have a lot of soldiers in the army, and I think that I should not hate people from military service, so I have to reduce the duration of their military service, and I suggest that the term be over one year "[ARDA, 2]. Another member of the Socialist Party, Samedaga Agamalioglu, also said that military service was one-year long.

Another MP, Mehdi Bey Hajibabayev, who criticized the draft law, justified the absence of a reduced military service: "As a teacher, I can say that we can't learn anything during one year, and our soldiers will only learn right and left in one month. You can't get any information about it. "[ARDA, 6].

All members of the Musavat faction voted for two years of military service. Mr. Rasulzade, who expressed his position on the issue, said: "It must be a true soldier for homeland protection, and if we want to have a true soldier and a strong army, we must accept two papers" [ARDA, 30].

Speaking as a reporter on the draft law, Dr. Garabai Garabayov, pointing out that the main issue was not going to be a pretext for fighting between parties, he said: "From that point of view, military service also offers 2 soldiers, saying that less than this time If I can't get the soldier you want, they do not say that we are ready for a soldier who is ready to go and say that you need to be ready for a warrior soldier, because those who want to defend the nation and the war depend on pedophilia. It is not necessary to shoot a military rifle, but to educate it, which is the secret of those who are more knowledgeable than us, and not only to get rid of the rifle, but also to defeat the head When the village is defeated, they come back and disperse their own nests "[ARDA, 19].

Apparently, the provision of the relevant law for discussion led to a number of objective reasons. It is known that during the first period of the republic's formation, the lawlessness of the country during the organization of the national army units in the conditions of strife and arbitrariness, the use of physical penalties against soldiers in the army and so on. Such negative phenomena have created fears and anxiety about the military service in the population. The length of military service has reduced the interest of young people in military service, leading them to abandon the army.

On the other hand, as seen from the Parliamentary documents, the adoption of the law had deep economic roots. Separation of young people from productive activities, which constitutes the main productive part of the country's population, could have led to the loss of their work habits and could lead to a decline in the country's economy.

Determination of the actual military service duration was 2 years, as well as the ability to train trained soldiers during this period. The appointment of the two-year term of service was also driven by the need to increase the number of retired and retired citizens.

Despite the varying attitudes of MPs to this issue, Article 20 of the Charter on Military Status of the Russian Empire, valid in the Azerbaijan Democratic Republic, and amendments were adopted at the Parliamentary discussion.

According to the amendment to article 20 of the law, the duration of military service in land troops was determined for 2 years for young people aged between 1918 and 1919, who were enrolled in the army for six years of age, after the expiration of this period all the persons involved were taken to the army [ARDA, 19].

However, this article does not apply to all persons who have served in the real military service. The first note attached to the article reads: "The term of the actual military service for those who abstain from performing the military duty at the time of the excellence and the military service remains the same for the previous three years" [ARDA, 19]. It was supposed to fight against those who abstained from military service and escaped. The fact that no such privileges were given by those of the same rank were the steps taken to legally frame this struggle. In addition, the 2nd part of Article 20 of the law also imposed restrictions on those who had deserted and were incapable of using a new

change. It was noted in the note that "the time spent in detention or deprivation of liberty by a court order does not refer to the period of actual military service" [ARDA, 19].

All of this shows the struggle against separatism and other military offenses at Parliamentary and Government levels.

The Government and the Parliament, recognizing that the newly independent republic could only retain its independence from a powerful army, sought to address the challenges of mobilization and mobilization, which form the basis of the organization of the armed forces. It was crucial to organize the administration on a legitimate basis to carry out these matters in order to arrange the call and mobilization work properly.

According to the law of the Azerbaijani Parliament of May 26, 1919, the administrative-territorial units of the People's Republic of Azerbaijan were set up in the territory of the People's Republic of Azerbaijan. According to another law adopted by parliament at that time, the legal basis of the morally and militarily control of the population, which would involve the population in the real military service, their powers and the tasks they were facing were envisaged.

It was of great importance for the organization of morally and militarily based on the law. On the one hand, in the early days of the armed forces, it eliminated violent, sometimes illicit ways of involvement of the population in military service. On the other hand, the relevant law systematized the involvement of the population in the army and eliminated the sense of indifference to the army and military service during the army recruitment.

With the adoption of the law on the organization of customs services, it was determined that the administration responsible for the military duties of the population in Azerbaijan was the center of Azerbaijan's central command. The above mentioned law defines the main issue facing the central morality department: Organizing the population's call for military service and the performance of their natural military duties [ARDA, 47]. In addition, he gave the right to prepare all orders relating to the supervision of military service and the military duty of all the military units responsible for the central administration and the military administration [ARDA, 47]. The involvement of the population in actual military service and the administration of the performance of the natural military duties, as well as the central control of the control over the relevant agencies, may be considered as a step to improve governance in this system.

Additionally, another important aspect of the Law on Organization of Mental-Military Courts was the appointment of certain tasks to the central administration regarding the actual military service. One of the key issues facing the central administration was the observation of the overall course of the recruitment of persons of military duty in the country [ARDA, 47]. This was frequently addressed by the Parliamentary tribunal and the elimination of the principle of justice in the wake of calls to the broad public, aimed at eliminating the negative consequences of wealthy and wealthy individuals by giving bribes to military service.

It was within the authority of the central police department that the administration had the right to inspect the accident, circle and town-mosque offices. Inspection of the places of administration was carried out by a person appointed by a special detention officer who confessed that the inspection was irrelevant [ARDA, 47].

Whenever cases of deprivation of military service and refusal to come to the place of call have been made, the police officer authorities should inform the police authorities that these persons should be brought to justice.

As it is known, the citizens of the Democratic People's Republic of Azerbaijan also had natural military duty. The supply of horses, carts for the military due to military duty were carried out by the local offices based on the order of the Azerbaijan Central Military Command Department [ARDA, 48].

Thus, the law on the law-enforcement agencies legalized the existence and powers of the military and natural-regulatory authorities carrying the population in the territory of the Azerbaijan Democratic Republic. Despite the fact that the law was drafted on the basis of the Russian Empire's law,

the military gathering of the population, the transportation of vehicles for the needs of the army, etc. which was of vital importance to addressing local circumstances in solving issues.

Thus, the analysis of the Parliamentary documents shows that during its short term existence, the main line of activity of the Azerbaijani Parliament was the protection of the Azerbaijani statehood. Given these principles, the Parliament pays special attention to the army building, taking into account that the army plays an exceptional role in protecting the country's economy.

The increase in the number of troops and the formation of various military units of troops required the localization of the armed forces and submission to the single command. The adoption by the parliament of laws governing the issue and the legitimate bases of the military structure and mechanism of the army clarifies the attitude of this body to the army building. The laws passed by the Parliament meant the beginning of a new era in the development of the Armed Forces of Azerbaijan Democratic Republic.

Parliamentary documents reflect the challenges facing the creation of the Azerbaijani Army during the 1918-1920s period, and the struggle of the army for the protection of the country and the territorial integrity of the country.

Some of the laws adopted by the parliament were aimed at establishing and strengthening the material-technical base of the army.

One of the important steps of the ADR Parliament in the field of army building was the work done by the Azerbaijani Democratic Republic to establish a legislative base. The legislative framework of the Armed Forces was mainly based on the Russian Empire's laws, but it was important to amend the laws of the Azerbaijani people and to bring them into line with the local conditions. As a result of the activity of the parliament in this direction, the right of deferral of the military duty, the rules of their involvement in military service, the acquisition of natural military obligations were legally framed. The legal framework for these problems was calculated for significant quality changes in the attitude of the population to military service.

Measures taken by the parliament in the field of army building can generally be characterized as an important part of the ADR's domestic policy.

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REFERENCES

1. ARDA (Azerbaijani Republic State Archive), f. 895, siy.1, iş 119, v. 33.
2. ARDA, f. 895, l. 3, iş 49, v.19.
3. ARDA, f. 895, l. 3, iş 49, v.15.
4. "Azerbaijan" newspaper (1919), 7 March, №131, p. 2.
5. "Azerbaijan" newspaper (1919), 13 March, №156, p. 1

6. The law on the formation of military and regimental courts. - “Azerbaijan”newspaper April 25, 1919, No. 84.
7. The law on the formation of military and regimental courts. - “Azerbaijan” gas., April 25, 1919, No. 84. p. 1-2.
8. “Azerbaijan” newspaper (1919), 13 March, №156, p. 1, 2.
9. Собрание узаконений и распоряжений правительства Азербайджанской Республики. (1919). Baku: Science, 119 p.
10. ARDA, f.895, l. 3, iş 32, v. 25.
11. ARDA, f.895, l. 1, iş 100, v.1.
12. ARDA, f.895, l. 1, iş 100, v.2.
13. ARDA, f.895, l. 1, iş 100, v.6.
14. ARDA, f.895, l. 1, iş 100, v.30.
15. ARDA, f.895, l. 3, iş 67, v.19.

14, The law on the organization of military presence. - ARDA, f.895, siy.3, iş 36, v.47.
15. ARDA, f. 895, l. 3, iş 36, v.48.